



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
75 Hawthorne Street  
San Francisco, CA 94105

**VIA FEDERAL EXPRESS**

May 20, 2013

**EPA CERCLA Section 104(e) Request for Information**

Suzanne McCarron, President  
ExxonMobil Foundation  
5959 Las Colinas Blvd.  
Irving, TX 75039

Re: 104 (e) Request for Information Related to Omega Chemical Corporation Superfund Site;  
Real Property Located at 10607 Norwalk Boulevard, Santa Fe Springs, CA

Dear Ms. McCarron:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to the release or threatened release of hazardous substances into the soil and groundwater at the Omega Chemical Corporation Superfund Site (the "Site"). The Site includes the former location of a used solvent and refrigerant recycling, reformulation, and treatment facility ("Omega Chemical") located at 12504 and 12512 Whittier Blvd. in Whittier, California. The term "Site", as used herein, refers to both the former Omega Chemical property and the areal extent (i.e., plume) of contaminated groundwater emanating from the Omega Chemical property.

In order to facilitate cleanup of hazardous substances at the Site, EPA divided the Site into three operable units ("OUs"): OU-1, OU-2 and OU-3. OU-1 is the former Omega facility and immediate vicinity. OU-2 is the extent of contamination in groundwater that originated from the former Omega facility and now extends more than four miles downgradient of OU-1. The contamination in groundwater has commingled with chemicals released at other source areas. OU-3 refers to indoor air contamination from the Omega Site that has occurred in several buildings near the Omega Chemical property.

Groundwater investigations to date suggest that operations at various facilities in the area, in addition to the former Omega Chemical facility, have contributed to groundwater contamination through the use of volatile organic compounds ("VOCs"), including perchloroethylene ("PCE"), trichloroethylene ("TCE"), Freons 11 and 113, and other contaminants.

As part of its ongoing investigation of the Site, EPA is seeking to determine the nature and extent of contamination at the Site, to assess the effects of contamination on the environment and

public health, and to identify activities and parties that have or may have contributed to contamination at the Site. EPA believes that you may have information that may assist EPA in its investigation.

We request that you provide a complete and truthful written response to this Information Request and questions in Enclosure B **within thirty (30) calendar days** of your receipt of this letter. Instructions on how to respond to the questions are described in Enclosure A. Please return your written response to:

Keith Olinger, SFD-7-5  
U.S. Environmental Protection Agency, Region IX  
Superfund Division  
75 Hawthorne Street  
San Francisco, California 94105

Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9604(e), EPA has broad information-gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility;
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (c) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that your compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$37,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. §1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential business information ("CBI"), as described in Title 40 of the Code of Federal Regulations, Subchapter A, Part 2, Subpart B (40 C.F.R., §2.201, *et seq.*). Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality. Please be aware that EPA will maintain information consistent with the Privacy Act of 1974, 5 U.S.C. §552a, as amended.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information

collection request” within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).

Your response should include the appropriate name, address, and telephone number of the person to whom EPA should direct future correspondence in regard to this matter on behalf of your company.

If you have questions regarding this Information Request, please contact Steve Berninger, Assistant Regional Counsel, at (415) 972-3909, or Keith Olinger, Enforcement Officer, at (415) 972-3125. If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Lynda Deschambault at (415) 947-4183.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in cursive script that reads "Kathi Moore".

Kathi Moore, Manager  
Case Development/Cost Recovery Section  
Site Cleanup Branch  
Superfund Division

Enclosures (2)

cc: Steve Berninger, EPA  
Lynda Deschambault, EPA  
Keith Olinger, EPA

## ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

### Instructions:

1. Answer Each Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained. For the definition of “you” and other terms, please see the Definitions section below.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. clearly identify the portions of the information alleged to be entitled to confidential treatment;
  - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
  - c. measures taken by you to guard against the undesired disclosure of the information to others;
  - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
  - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
  - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
  - g. To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.
  - h. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.
9. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

Department of Toxic Substances Control/  
California Environmental Protection Agency

ENCLOSURE A

Toeroek Associates, Inc.  
EPA Contract Number EP-BPA-11-W-001

Science Applications International Corporation  
EPA Contract Number EP-BPA-11-W-001

CH2M Hill, Inc.  
EPA RAC Contract Number EP-S9-08-04

Toeroek Herndon Joint Venture  
EPA Contract Number EP-R9-12-02

ITSI, Inc.  
EPA RAC Contract Number EP-S9-08-03

Techlaw  
EPA ROC Contract Number EP-W-07-066

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term “you” or “Respondent” should be interpreted to include the addressee of this Information Request, and its officers, managers, employees, contractors, trustees, successors, assigns and agents.
2. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term “waste” or “wastes” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.
4. The term “hazardous waste” shall have the same definition as that contained in Section 1004(5) of RCRA.

5. The term “hazardous substance” shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term “release” has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
7. The term “pollutant or contaminant” shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term “materials” shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term “document” includes any written, recorded, computer generated or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

## **ENCLOSURE B: QUESTIONS (INFORMATION REQUEST)**

1. State the full legal name, address, telephone number, positions(s) held by, and tenure of, the individual(s) answering any of these questions on behalf of ExxonMobil Foundation concerning the property and facility and/or facilities formerly located at 10607 Norwalk Boulevard, Santa Fe Springs, California and/or the addresses identified in this Question Number 1 (the "Property"). EPA information indicates that Mobil Foundation, Inc., predecessor to ExxonMobil Foundation, owned the Property from March 23, 1988 to March 26, 2001. For purposes of this Request for Information, in addition to 10607 Norwalk Boulevard, the Property also includes the parcels designated with current Assessor's Parcel Numbers 8009-025-067, 8009-025-069, and 8009-025-070 and/or former Assessor's Parcel Number 8009-025-008. EPA information indicates that ExxonMobil Oil Corporation and/or its predecessors owned and operated on property with the following current street addresses: 10623 Fulton Wells Avenue, Santa Fe Springs, CA; 10628 Fulton Wells Avenue, Santa Fe Springs, CA; and 10629 Norwalk, Santa Fe Springs, CA.
2. State whether ExxonMobil Foundation is a current or prior owner or operator of any wells, piping, tanks, or any other type of equipment located at the Property. If so, for the entire period that you owned and/or operated at the Property or any portion thereof, provide the dates of ownership and/or operation, and the type of operations that occurred. As part of your response, provide copies of environmental documents, leases, rental agreements, access agreements, or other agreements made with parties associated with these operations.
3. Identify all individuals or entities known to have operated at the Property or any portion thereof, including the operation of any wells, piping, tanks, or any other type of equipment located at the Property. As part of your response, include any information known regarding solvents and any other chemicals or substances used and wastes generated in these operations.
4. Identify all individuals or entities known to have owned any active or inactive wells, piping, tanks, or any other type of equipment located at the Property during your ownership.
5. Have you ever used, manufactured, produced, or generated any hazardous substances, materials or waste in the operations at the Property? If your answer is anything other than an unqualified "no" for the entire period since you operated at or owned any equipment at the Property or any portion thereof, provide a complete description of such use, manufacture, production or generation of all such substances, materials and wastes, including the following:
  - a. The trade or brand name, chemical composition, and quantity used for each chemical or hazardous substance, and the relevant Material Safety Data Sheet for each product, and its period of use;



- b. A description of the process in which the hazardous substance is or was stored, used, manufactured, generated or produced (including any current or discontinued processes);
  - c. The location(s) where each chemical or hazardous substance is or was used, stored and disposed of. In addition, identify the kinds of wastes (e.g., hazardous materials, spent solutions, tank bottoms, scrap metal, solvents, waste water), quantities and methods of disposal for each chemical or hazardous substance;
  - d. A description of the waste streams from any process in which any such hazardous substance is or was used, manufactured, generated, or produced;
  - e. Copies of any permits for storage, treatment, or disposal of any waste stream from any process in which any hazardous substance is or was used, manufactured, generated, or produced; and
  - f. Copies of all manifests governing hazardous substances generated by your operations at the Property.
6. At the time of the transfer of the Property from Mobil Oil Corporation to Mobil Foundation, Inc., describe the environmental condition of all portions of the Property. As part of your response, describe any contamination and/or hazardous substances present at each identified portion of the Property at the time of its transfer, and any evidence suggesting the possible presence of contamination and/or hazardous substances; and provide copies of any and all documents related to the environmental condition of the Property at the time of transfer, including technical reports, appendices and lab reports.
7. EPA information indicates that in the early-to-mid 1990's consultants Levine-Fricke and McLaren/Hart Environmental Engineering Corporation conducted subsurface investigations at the request of Mobil Exploration & Producing U.S. Inc. at the Property. Describe how Mobil Exploration & Producing U.S. Inc. became involved with the Property, whether it was on behalf of ExxonMobil Foundation or an affiliated entity, the dates of its involvement, and what type of operations it conducted at the Property (i.e., oil production-related activities, remediation, etc.).
8. Identify the individual or entity that authorized the investigation and preparation of a report prepared by Levine-Fricke for Mobil Exploration titled *Draft Subsurface Soil Investigation, Jalk Fee Property, 10607 Norwalk Boulevard, Santa Fe Springs, California*, dated December 6, 1991 ("1991 Subsurface Soil Investigation Report").
9. Levine-Fricke's 1991 Subsurface Soil Investigation Report indicates that the eastern portion of the Property was leased at one time to a company that used solvents. Levine-Fricke states that this information was obtained during discussions with Mobil Exploration.<sup>1</sup> Identify the company that operated at this portion of the Property, its dates of operation, and type of operations conducted. As part of your response, include any

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<sup>1</sup> See page 9 of the 1991 Subsurface Soil Investigation Report.

information known regarding solvents and any other chemicals or substances used and wastes generated in these operations.

10. EPA information obtained from reports prepared by McLaren/Hart Environmental Engineering Corporation in 1994 and 1995 document treatment of contaminated soil at the Property. The reports indicate that soil was transported to the Property from the following properties: 1) Mobil Jalk Fee; 2) DeWenter/Jordan/Green; 3) Baker/Humble; and 4) Oil Well 732-C. Provide the following information for properties 2 through 4 (all except Mobil Jalk Fee):
  - a. Owner of the property;
  - b. Operator at the property at the time the soil was contaminated;
  - c. A description of the types of operations at each property;
  - d. All analytical data associated with the soil at each property; and
  - e. The dates that soil from the property was at the Mobil Jalk Fee site.
11. Provide detailed information on the tanks and piping previously located in the southeastern portion of the Property. EPA information obtained from a 1991 subsurface soil investigation report prepared by Levine-Fricke for Mobil Exploration & Producing U.S. Inc. indicates that there were aboveground tanks in this part of the Property beginning in 1927. As part of your response, include the following information:
  - a. Figure(s) showing tank and piping locations;
  - b. Contents of the tanks; and
  - c. Ownership of the tanks and piping.



May 22, 2013

Dear Customer:

The following is the proof-of-delivery for tracking number **546221780359**.

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**Delivery Information:**

<b>Status:</b>	Delivered	<b>Delivered to:</b>	Mailroom
<b>Signed for by:</b>	J.FALLEN	<b>Delivery location:</b>	5959 LAS COLINAS BLVD IRVING, TX 75039
<b>Service type:</b>	FedEx Priority Overnight	<b>Delivery date:</b>	May 21, 2013 09:28
<b>Special Handling:</b>	Deliver Weekday  Direct Signature Required		

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**Shipping Information:**

<b>Tracking number:</b>	546221780359	<b>Ship date:</b>	May 20, 2013
		<b>Weight:</b>	0.5 lbs/0.2 kg

**Recipient:**

Suzanne McCarron  
ExxonMobil Foundation  
5959 Las Colinas Blvd.  
IRVING, TX 75039 US

**Reference****Shipper:**

Omega  
Toeroek Associates, Inc.  
1300 Clay Street  
Suite 450  
Oakland, CA 94612 US  
9032-006

Thank you for choosing FedEx.